DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE:	CESWG-PI	E-RC							
FILE NUMBER:	D-16467						•		
REGULATORY PROJECT MA	NAGER:	Kenny Jay	nes				Date:		9/21/2004
PROJECT REVIEW/DETERMIN	NATION CO	MPLETED:	In the office _ At the Project	Site	Yes No		Date: Date:		
PROJECT LOCATION INFORM State: County: Center Coordinates of S Approximate Size of Site Name of Waterway or W SITE CONDITIONS:	ite by Latitu e/Property (ude & Long Including (gitudinal Co Jplands & l	oordinates In Acres):	:		Texas Harris 29 58.37 N	I & 95 42.59 W	
Type of Aquatic Resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	>50 ac	Linear Feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mud Flat									
Sand Flat									
Wetlands									XXX
Slough									
Prairie Pothole									ː
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (Identify Type)									
1 Check appropriate boxes th	at best des	oribo tupo	of icolated	non-navid	ahla intra	-ctate wate	r present :	and hest	
estimate for size for non-ju	riedictional	aquatic re	SOURCE ARE	a.	jabic, ilitia	-State Watt	or prodent	5001	
Migratory Bird Rule Factors		uqua		If K	nown			If Unknown	
Wilgiatory Bild Adie Factors	•						Use Best F	rofessional J	udgment
				Yes	No	Predicted to Occur	l .	pected to Occur	Not Able to Make Determination
Is or would be used as habita Migratory Bird Treaties?						xxxxxx			
Is or would be used as habita	at by other i	migratory t	oirds that			xxxxxx			
Is or would be used as habita	at for endan	gered spe	cies?			<u> </u>			x
Is used to irrigate crops sold	l in interstat	e commer	ce?		<u> </u>			<u></u>	x
¹ Check appropriate boxes thisolated, non-navigable, intra	nat best des	cribe pote	ntial for ap	plicability	of the Migra	atory Bird	Rule to ap	ply to onsite,	non-jurisdictional
TYPE OF DETERMINATION:	uquu			Prelimina	iry	or	Approve	d XXXX	

OPTIONAL ADDITIONAL INFORMATION SUPPORTING NJD (e.g., discussion may include information reviewed to assess potential navigation or interstate commerce connections - 1 to 3 paragraphs):

The site is isolated with no apparent nexus to interstate commerce other than solely the potential use of migratory bird.

DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE:	CESWG-P	E-RC							
FILE NUMBER:	D-16296								
REGULATORY PROJECT MAN	NAGER:	Hudson, J	ayson				Date:		31-Aug-04
PROJECT REVIEW/DETERMIN	NATION CO		In the office _ At the Project		(Y/N) (Y/N)		Date:		31-Aug-04
PROJECT LOCATION INFORM	MATION:		,		(,		Texas		
County: Center Coordinates of S Approximate Size of Sit Name of Waterway or W	e/Property				:		Orange UTM 15 42 Unknown Cow Bayo	14525E 334059 u	95
SITE CONDITIONS:									
Type of Aquatic Resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	>50 ac	Linear Feet	Unknown
Lake									•
River									
Stream									
Dry Wash							<u></u>		
Mud Flat									
Sand Flat									
Wetlands									XXX
Slough									<u> </u>
Prairie Pothole									
Wet Meadow									
Playa Lake									:
Vernal Pool	1								
Natural Pond									<u>. </u>
Other Water (Identify Type)									
1 Check appropriate boxes tha	t best desc	ribe type o	of isolated.	non-navig	able. intra-	state water	present a	nd best	
estimate for size for non-jur	isdictional	aquatic res	source area	1.					
Migratory Bird Rule Factors ¹ :					nown		Jse Best P	lf Unknown rofessional Ju	
				Yes	No	Predicted to Occur	1	pected to Occur	Not Able to Make Determination
Is or would be used as habita	t for birds p	rotected b	У						
Migratory Bird Treaties?								ļ .	X
Is or would be used as habita	t by other n	nigratory b	iras tnat				ļ ,		5
cross state lines?				1				ļ	X
Is or would be used as habita					ļ	<u> </u>	ļ		X
Is used to irrigate crops sold				L	L	L	1		Х
¹ Check appropriate boxes that isolated, non-navigable, intra-				licability o	f the Migra	tory Bird F	Rule to app	ly to onsite, n	on-jurisdictional,
TYPE OF DETERMINATION:		-		Prelimina	ry XX	or	Approved		

OPTIONAL ADDITIONAL INFORMATION SUPPORTING NJD (e.g., discussion may include information reviewed to assess potential navigation or interstate commerce connections - 1 to 3 paragraphs): No known nexus to interstate commerce.

DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE:	CESWG-F	E-RC							
FILE NUMBER:	D-15302					- -			
REGULATORY PROJECT MA	NAGER:	Hudson, J	layson				Date:		24-Sep-0
PROJECT REVIEW/DETERMI	NATION CO	MPLETED			(Y/N)		Date:		24-Sep-0
			At the Projec	t Site	(Y/N)		Date:		
PROJECT LOCATION INFORM State: County: Center Coordinates of S Approximate Size of Sit Name of Waterway or V	Site by Latit te/Property				:		88.5 acres	48698E 33285 eek Watershea	
SITE CONDITIONS:									
Type of Aquatic Resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	>50 ac	Linear Feet	Unknown
Lake									х
River	ļ								х
Stream									х
Dry Wash	ļ								x
Mud Flat									x
Sand Flat	ļ								х
Wetlands	×								
Slough									х
Prairie Pothole									Х
Wet Meadow Playa Lake									x
Vernal Pool									X
Natural Pond									X
Other Water (Identify Type)									X
Check appropriate boxes tha	t hest desc	riha tuna a	ficolated	non naviar	blo intro c	*****			
estimate for size for non-juri	isdictional a	aguatic res	ource area		ible, Illia-s	state water	present ar	iu best	
Migratory Bird Rule Factors ¹ :				If Kn	own	U		f Unknown ofessional Jเ	udament
				Yes	No	Predicted to Occur	Not Ex	pected to	Not Able to Make Determination
s or would be used as habitat Migratory Bird Treaties?		_							x
s or would be used as habitat cross state lines?	by other m	igratory bi	rds that						x
s or would be used as habitat	for endang	ered speci	es?						X
s used to irrigate crops sold i									x
Check appropriate boxes tha solated, non-navigable, intra-				licability of	the Migrat	ory Bird R	ule to apply	/ to onsite, n	on-jurisdictional,
TYPE OF DETERMINATION:				Preliminar	y <u>XX</u>	or	Approved	· .	

OPTIONAL ADDITIONAL INFORMATION SUPPORTING NJD (e.g., discussion may include information reviewed to assess potential navigation or interstate commerce connections - 1 to 3 paragraphs): No known nexus to interstate commerce

DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE:	Galveston					_			
FILE NUMBER:	D-16092					_			
REGULATORY PROJECT MA	NAGER:	Dwayne J	ohnson			_	Date:		9/15/2004
PROJECT REVIEW/DETERMI	NATION CO	MPLETED	In the office At the Projec		(Y/N) (Y/N)		Date: Date:		9/15/2004
PROJECT LOCATION INFORM State: County: Center Coordinates of S Approximate Size of Sit Name of Waterway or W	Site by Latitu e/Property (l				:		10.2 miles	"N, 95° 46' 06	
Type of Aquatic Resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	>50 ac	Linear Feet	Unknown
Lake									
River								<u> </u>	
Stream				<u> </u>	\ <u>\</u>				· · · · · · · · · · · · · · · · · · ·
Dry Wash									
Mud Flat	1								
Sand Flat									
Wetlands	XXXXXXX								
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (Identify Type)									
Drainage Ditch/Fish ponds	1 [
1 Check appropriate boxes the	at best desc	ribe type o	of isolated,	non-navig	able, intra-	state water	present a	nd best	
estimate for size for non-jur	isdictional a	quatic res	source area	а.	**				
Migratory Bird Rule Factors ¹ :				lf Kn	own	U		f Unknown rofessional J	udgment
				Yes	No	Predicted to Occur		pected to Occur	Not Able to Make Determination
Is or would be used as habita Migratory Bird Treaties?			_						xxxxx
Is or would be used as habita cross state lines?	t by other m	igratory b	irds that						XXXXX
Is or would be used as habita	t for endang	ered spec	ies?						XXXXX
Is used to irrigate crops sold	in interstate	commerc	e?						XXXXX
¹ Check appropriate boxes that isolated, non-navigable, intra-				olicability o	f the Migra	tory Bird R	ule to app		
TYPE OF DETERMINATION:				Preliminar	у	or	Approved	Xxxxxx	
OPTIONAL ADDITIONAL INFO	RMATION S	SUPPORTI	NG NJD (e	.g., discuss	sion may in	clude info	rmation re	viewed to ass	sess potential

DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE:	CESWG-F	E-RC				_			
FILE NUMBER:	D-16244					-			
REGULATORY PROJECT MA	NAGER:	Jaynes, K	Cenny			_	Date:		17-Aug-0
PROJECT REVIEW/DETERMI	NATION CO	MPLETED	In the office At the Projec	at Site	yes (Y/N)		Date: Date:		17-Aug-04
PROJECT LOCATION INFORM State: County: Center Coordinates of S Approximate Size of Site Name of Waterway or W	ite by Latit				:		Texas Harris UTM Zon Appx 50-a		Ē & 3287917 N
Type of Aquatic Resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	>50 ac	Linear Feet	Unknown
Lake		ł		-	<u> </u>	 		<u> </u>	
River						!		 	
Stream									f
Dry Wash	-								
Mud Flat									
Sand Flat									
Wetlands								1	XXXXXXXX
Slough									· · · · · · · · · · · · · · · · · · ·
Prairie Pothole									;
Wet Meadow			,						
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (Identify Type)									
¹ Check appropriate boxes that	at best desc	ribe type o	of isolated.	non-navig	able. intra-	state water	r present a	nd best	<u> </u>
estimate for size for non-jur	isdictional	aquatic res	ource are	a.	,	0.0.0	proconta	ina beet	
Migratory Bird Rule Factors ¹ :			*****	lf Kr	own			f Unknown	
•						U	se Best P	rofessional J	udgment
				Yes	No	Predicted		pected to	Not Able to Make
						to Occur	C	Occur	Determination
Is or would be used as habitated Migratory Bird Treaties?	-								XX
Is or would be used as habita	t by other n	nigratory b	irds that						
cross state lines?									XX
Is or would be used as habitat									XX
Is used to irrigate crops sold								L	XX
¹ Check appropriate boxes that isolated, non-navigable, intra-				olicability o	f the Migra	tory Bird R	ule to app	ly to onsite, i	non-jurisdictional,
TYPE OF DETERMINATION:				Preliminar	у	or	Approved	xx	
OPTIONAL ADDITIONAL INFO					sion may ir	nclude info	rmation re	viewed to as:	sess potential

See Attached:

File: D-16244

Based upon a review of the Harris County Flood Control Map, (historic and current) U.S.G.S. Quadrangle Maps, National Wetland Inventory Maps, the County Soil Survey, the 1995 DOQQ, and all the data and information provided in your report, we concur that there are not any waters of the United States subject to Section 404 of the Clean Water Act within the project area. There is an upland drainage ditch that transects the site (that runs from southwest to the northeast) that was dug per-1920. An upland drainage ditch is a ditch that was excavated out of uplands and/or does not extend the ordinary high water mark of any waters of the U.S..

The consultant indicates that there are numerous wetland areas within the project site, however, they are not part of a surface tributary system nor adjacent to any waters of the U.S. nor or there any not indications of a nexus to commerce other than the sole use of migratory bird use. As such, these wetlands are not within our jurisdictional realm under Section 404 of the Clean Water Act and a Department of the Army Permit will not be required.



DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE:	BI	NG_				_			
FILE NUMBER:		2150	763			-			
REGULATORY PROJECT MA	NAGER:	4 P	rea			_	Date:	09 As	g 2004
PROJECT REVIEW/DETERMII	NATION CO	MPLETED	In the office At the Projec	t Site	(Y/N) (Y/N)		Date: Date:	09 Au	9 2004
PROJECT LOCATION INFORM State: County: Center Coordinates of S Approximate Size of Sit Name of Waterway or W SITE CONDITIONS:	Site by Latit					•	<u>Ha</u> 28338 UNI	Y A S (r) S 9 ; 3280 L lands	211
	<u></u>			Г	Г	T			
Type of Aquatic Resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	>50 ac	Linear Feet	Unknown
Lake									
River								<u> </u>	
Stream							****		
Dry Wash									
Mud Flat									
Sand Flat									
Wetlands				<u> </u>					
Slough									
Prairie Pothole								 	
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (Identify Type)									
Check appropriate boxes tha	t hest desc	ribe type o	f isolated	non-naviga	hla intra c	tata water	nrooant ar	l book	
estimate for size for non-juri	sdictional a	quatic res	ource area	non-naviga	ible, illua-s	state water	present at	iu best	
Migratory Bird Rule Factors ¹ :		7	1	If Kn	own			f Unknown	
ingratory bird reals ractors .				, ,,,	•	11		ofessional Ju	Idamont
				Yes	No	Predicted	Not Ex	pected to	Not Able to Make
s or would be used as habitat	for hirds n	rotected by				to Occur		ccur	Determination
Migratory Bird Treaties?	ioi biius pi	Olected by							
s or would be used as habitat	by other m	iaratam, bi	rda that						
ross state lines?	by outer III	igratury bli	นอ แสเ					1	////
	for andone								
s or would be used as habitat									
s used to irrigate crops sold ir									
Check appropriate boxes that solated, non-navigable, intra-s	best descr tate aquati	ibe potenti c resource	al for appl area.	icability of	the Migrat	ory Bird Ru	ile to apply	y to onsite, no	on-jurisdictional,
YPE OF DETERMINATION:			i	Preliminary	/	or /	Approved	2 - 10 - 10 - 10 - 10 - 10 - 10 - 10 - 1	
DEIGNAL ADDIEGOLA									

OPTIONAL ADDITIONAL INFORMATION SUPPORTING NJD (e.g., discussion may include information reviewed to assess potential navigation or interstate commerce connections - 1 to 3 paragraphs):

COPY

CESWG-PE-RC (1145)

09 August 2004

MEMORANDUM FOR THE FILE

Subject: D-15963; Jurisdictional Determination, Wal-Mart Stores Texas LP, WM# 3425-00, 24-Acre Tract of Land, Houston, Harris County, Texas

- 1. Terra-Mar requested, on behalf of Wal-Mart Stores Texas LP, by letter dated 12 April 2004, a jurisdictional determination for a 24-acre of land. The project site is located east of Minnesota Road and west of Rowlett Road in Houston, Harris County, Texas.
- 2. Based on review of recent and historic maps, 1995 CIR aerial photography, Harris County Soil Survey, National Wetland Inventory Map, Harris County FEMA Map, and the information provided with your request, we have determined that wetlands may exist on the proposed project site. However, they are isolated and have no known nexus to interstate commerce, therefore these wetlands are non-jurisdictional.
- 3. Based on the findings from the desk review, the proposed site is not jurisdictional under Section 404 of the Clean Water Act. A DA permit will not be required prior to the distribution of dredged or fill material into waters or wetlands of the United States present on this site. This approved determination remains valid for 5 years, unless new information warrants revision prior to that date.

Alicia Rea

Regulatory Specialist

DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE:	<u>Sw</u>	<u>G</u>				_			
FILE NUMBER:	<u>D-1</u>	584	7			_			
REGULATORY PROJECT MAI	NAGER:	A.R	ea	. 1		_	Date:	20 5	142004
PROJECT REVIEW/DETERMIN	NATION CO		In the office	t Site	(Y/N) (Y/N)		Date: Date:	29 5	ne 2004
PROJECT LOCATION INFORM State: County: Center Coordinates of S Approximate Size of Sit Name of Waterway or W	Site by Latit e/Property				::		Tera Hari 5. NIA	ris 16 act	e <u>S</u>
Type of Aquatic Resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	>50 ac	Linear Feet	Unknown
Lake			·						
River									
Stream									
Dry Wash									
Mud Flat									
Sand Flat									
Wetlands									1
Slough		,							
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (Identify Type)									
1 Check appropriate boxes tha	t best desc	ribe type of	f isolated,	non-naviga	ble, intra-s	state water	present ar	nd best	
estimate for size for non-juri	sdictional a	aquatic res	ource area						
Migratory Bird Rule Factors ¹ :				If Kn	own	U	se Best Pr	f Unknown ofessional Ju	
	* .			Yes	No	Predicted to Occur		pected to	Not Able to Make Determination
Is or would be used as habitat Migratory Bird Treaties?	for birds p	rotected by							1/
Is or would be used as habitat	by other m	igratory bir	ds that				·····		
cross state lines?									
Is or would be used as habitat	for endang	ered specie	es?		•				
Is used to irrigate crops sold i									
¹ Check appropriate boxes tha	t best desc	ribe potent	ial for ann	licability of	the Miarat	on Bird P	ule to anni	v to oneite no	n-iuriediational
isolated, non-navigable, intra-					are imprat	Dira Ki	are to apply	y to onsite, no	ni-jurisuicuonai,
TYPE OF DETERMINATION:				Preliminar	<u> </u>	or	Approved		
OPTIONAL ADDITIONAL INFO	RMATION S	SUPPORTIN	IG NJD (e.	g., discuss	ion may in	clude infor	mation rev	iewed to asse	ss potential



CESWG-PE-RC (1145)

20 July 2004

MEMORANDUM FOR THE FILE

Subject: D-15847; Mr. Joseph Carrangs, Jurisdictional Determination, 5.16 Acre Tract of Land, Huffmeister Road and Birdcall Lane, Cypress, Harris County, Texas

- 1. American Environmental Services, Inc. requested on behalf of Mr. Joseph Carrangs, by letter dated 23 February 2004, a jurisdictional determination for a 5.16-acre tract of land. The project site is located the intersection of Huffmeister Road and Birdcall Lane in Cypress, Harris County, Texas.
- 2. A desk review was conducted on 29 June 2004, examined in this review were USGS topographical maps, Harris County FEMA Flood Maps, 1995 CIR aerial photographs, Harris County Soil Survey, National Wetland inventory maps and information provided in the request. The NWI indicates wetlands on the site, however, these wetlands appear to be isolated with no known nexus to interstate commerce, therefore are non-jurisdictional. Based on a 22 June 2004 site visit, the site is in a developed area and is bordered Birdcall Lane, a subdivision, and a grocery store. There were no signs of a hydrological connection present on this proposed project site.
- 3. Based on the findings from the desk review, the proposed site is non-jurisdictional under both Section 404 of the Clean Water Act and Section 10 under the Rivers and Harbors Act. This determination remains valid for 5 years, unless new information warrants revision prior to that date.

Alicia Rea

Regulatory Specialist

DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE:	SWG-PE-F	RC				_			
FILE NUMBER:	D16225					_			
REGULATORY PROJECT MA	NAGER:	Johnson			•	_	Date:		7/15/2004
PROJECT REVIEW/DETERM	INATION CO	MPLETED	: Y At the Projec	t Site	(Y/N) ~ (Y/N)	•	Date: Date:		7/15/2004
PROJECT LOCATION INFOR State: County: Center Coordinates of S Approximate Size of Sit Name of Waterway or W	Site by Latiti te/Property (:		Texas Harris 29 59 56, Cypress C		98
Type of Aquatic Resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	>50 ac	Linear Feet	Unknown
Lake									
River									
Stream									
Dry Wash							<u> </u>		
Mud Flat		·							
Sand Flat								1	
Wetlands	XXXXX								
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (Identify Type)									
Check appropriate boxes the					able, intra-	state wate	r present a	ind best	
estimate for size for non-ju	70.70.007	aquatic res	source are				11/2/14/15/15/15/15		
Migratory Bird Rule Factors ¹	:			it Kı	own			f Unknown	
					I	Predicted		rofessional Judented to	Not Able to Make
				Yes	No	to Occur		Dected to Decur	Determination
Is or would be used as habita	at for hirds r	rotected b	W			to Occur		T	Determination
Migratory Bird Treaties?	-								xxx
Is or would be used as habita cross state lines?	at by other n	nigratory b	irds that						XXX
Is or would be used as habita	at for endan	gered spec	ies?						XXX
Is used to irrigate crops sold									XXX
¹ Check appropriate boxes thisolated, non-navigable, intra	nat best desc	cribe poten	itial for app	olicability o	of the Migra	tory Bird F	Rule to app		
TYPE OF DETERMINATION:	OBMATION	011050070	NO N ID 1	Prelimina	ry	or	Approved	XXXX	

OPTIONAL ADDITIONAL INFORMATION SUPPORTING NJD (e.g., discussion may include information reviewed to assess potential navigation or interstate commerce connections - 1 to 3 paragraphs):

DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE:	5WG D-16239								
FILE NUMBER:			-	D-16	239				
REGULATORY PROJECT N	MANAGE	R:	<u>-</u>	ととれ C	٤3	·	Date: _ \	Juy 01	}
PROJECT REVIEW/DETER	MINATI	ON COM	PLETE			e (Y/N)	Date: <u>) ;</u> /N) Date:	م برامة	
PROJECT LOCATION INFO	DRMATIC	ON:		Αι	me proj	ect site (1	/N) Date:		
State:	740,474 1 1	J11.				7	TX.		
County:		MTU				H	Arris		
Center coordinates o	f site by l	a titude &	longitud	lina l coordi	inates:	25	1620E 33	1 851 F5.)
Approximate size of			ıding upl	lands & in a	acres):			*	
Name of waterway or	r watersh	ed:				-	-		
SITE CONDITIONS:									
Type of aquatic resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25	ac 25-50 a	c > 50 ac	Linear feet	Unknown
Lake									
River		-	 						
Stream Dry Wash	 		 	 				 	
Mudflat	1	 		1				 	
Sandflat		-	 	 				 	
Wetlands									×
Slough					-				
Prairie pothole									
Wet meadow									
Playa lake	ļ			_					
Vernal pool	-		ļ	ļ					
Natural pond Other water (identify type)	-			ļ					
——————————————————————————————————————									
¹ Check appropriate boxes that bes jurisdictional aquatic resource are	t describe	type of iso	lated, non	-navigable, i	ntra-state	water present	and best estima	te for size of	non-
j.									
Migratory Bird Rule Factors ¹ :				If Kno	wn	1	If Unk Use Best Profess		ent
				Yes	No	Predicted to Occur	Not Expected Occur	to Not A	ble To Make
Is or would be used as habitat for	birds prote	cted by				to Occur	Occur	Det	ermination
Migratory Bird Treaties?								- ;	Κ.
Is or would be used as habitat by o	ther migra	atory birds	that						
cross state lines?								7	
Is or would be used as habitat for									(
Is used to irrigate crops sold in int ¹ Check appropriate boxes that bes			on annlies	hilitu of the	Missis	D:1 D-1-4-	X	<u> </u>	
non-navigable, intra-state aquatic	resource a	rea.	ог ярриса	omity of the	wugratory	Dira Kule to	appiy to onsite, r	ion-jurisdicti	onai, isolated,

ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 – site conditions; paragraphs 2-3 – rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce

Preliminary ___

Or

Approved X

connections; and paragraph 4 - site information on waters of the U.S. occurring onsite):

Appears outside flood plain - Not connect by any surface

trib.

TYPE OF DETERMINATION:

DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE:	Galvestor	1							
FILE NUMBER:	D-16150					_			
REGULATORY PROJECT M.	ANAGER:	Johnson				_	Date:		8/3/20
DDG IEGT DEWENVESTEDN									
PROJECT REVIEW/DETERM	IINATION CO	OMPLETED					Date:		8/3/20
			At the Project	ct Site	(Y/N)		Date:		8/3/20
PROJECT LOCATION INFOR State: County: Center Coordinates of Approximate Size of Si Name of Waterway or V	Site by Latit te/Property	ude & Lon	gitudinal C Uplands &	oordinates In Acres):	:		Texas Galveston 29° 31' 17 Robinson	"N, 95° 04' 46	5"W 4
SITE CONDITIONS:									
Type of Aquatic Resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	>50 ac	Linear Feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mud Flat	ļ								
Sand Flat	1								
Wetlands									XXXXX
Slough Prairie Pothole	 								
Wet Meadow				ļ					
Playa Lake	-								
Vernal Pool									
Natural Pond	 								
Other Water (Identify Type)									
, , , ,	1								
Check appropriate boxes th	at best desc	cribe type o	of isolated,	non-navig	able, intra-	state water	present a	nd best	
estimate for size for non-jui	risdictional	aquatic res	ource area	1.					
Migratory Bird Rule Factors ¹ :				if Kn	own			Unknown	
								ofessional J	
				Yes	No	Predicted	Not Exp	4.0	Not Able to Make
Is or would be used as habita	t for hirds =	rotooted b				to Occur	0	ccur	Determination
Migratory Bird Treaties?	r ioi birus p	notected D	y						WWW.
Is or would be used as habita	t by other m	nigratory bi	rde that				· · · · · · · · · · · · · · · · · · ·		XXXXX
cross state lines?									xxxxx
Is or would be used as habita									XXXXX
Is used to irrigate crops sold									XXXXX
¹ Check appropriate boxes the isolated, non-navigable, intra-	at best desc -state aquat	ribe potent ic resource	tial for app e area.	licability of	the Migrat	tory Bird R	ule to appl	y to onsite, n	on-jurisdictional,
TYPE OF DETERMINATION:				Preliminary	/	or	Approved	xxxxx	
OPTIONAL ADDITIONAL INFO	PRMATION S	SUPPORTI							ess potential

DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE:	Galveston					_			
FILE NUMBER:	D4270/01					-			
REGULATORY PROJECT MA	NAGER:	Johnson				-	Date:		8/9/2004
PROJECT REVIEW/DETERMI	NATION CO	MPLETED	: Office		Yes		Date:		8/9/2004
			At the Projec	t	(Y/N)		Date:		
PROJECT LOCATION INFORM State: County: Center Coordinates of S Approximate Size of Site Name of Waterway or W SITE CONDITIONS:	ite by Latit e/Property				:		Texas Chambers 29° 46' 17 Unknown None	; "N, 94° 39' 48	"W
Type of Agustic Passurce ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	>50 ac	Linear Feet	Unknown
Type of Aquatic Resource	V- I ac	1=3 ac	33 ac	3 10 40	10-23 ac	20-30 ac	/30 ac	Linear Feet	UIRHOWII
Lake			<u> </u>						
River	ļ			ļ					
Stream				ļ					
Dry Wash		ļ		<u> </u>					
Mud Flat	<u> </u>			ļ					
Sand Flat Wetlands								 	VVVVV
Slough									XXXXXX
Prairie Pothole									
Wet Meadow				 					
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (Identify Type)									
1 Check appropriate boxes that	at hest des	cribe type (of isolated	non-navig	able intra-	state wate	r nresent a	nd heet	
estimate for size for non-jur					ubio, iritiu	State Wate	presente	ila best	
Migratory Bird Rule Factors ¹ :					nown	ŧ		f Unknown rofessional J	udament
				Yes	No	Predicted to Occur	Not Exp	pected to Occur	Not Able to Make Determination
ls or would be used as habita Migratory Bird Treaties?	t for birds	orotected b	у						xxxxxxx
Is or would be used as habita cross state lines?	t by other r	nigratory b	irds that						xxxxxxxx
ls or would be used as habita	t for endan	gered spec	ies?						XXXXXXX
Is used to irrigate crops sold									XXXXXXX
¹ Check appropriate boxes that isolated, non-navigable, intra-	at best des	cribe poten	itial for app	olicability o	f the Migra	tory Bird F	Rule to app	ly to onsite, r	
TYPE OF DETERMINATION:				Preliminar	у	or	Approved	XXX	

OPTIONAL ADDITIONAL INFORMATION SUPPORTING NJD (e.g., discussion may include information reviewed to assess potential navigation or interstate commerce connections - 1 to 3 paragraphs):

DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE ALERS
RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF THE N COO.

COUNTY V. U.S. ARMY CORPS OF ENGINEERS

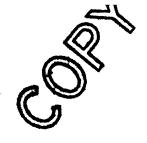
COUNTY V. U.S. ARMY CORPS OF ENGINEERS **DISTRICT OFFICE:** FILE NUMBER: **REGULATORY PROJECT MANAGER:** Date: PROJECT REVIEW/DETERMINATION COMPLETED: In the office (Y/N) Date: (Y/N) At the Project Site Date: PROJECT LOCATION INFORMATION: State: County: Center Coordinates of Site by Latitude & Longitudinal Coordinates: Approximate Size of Site/Property (Including Uplands & In Acres): Name of Waterway or Watershed: SITE CONDITIONS: 0-1 ac 1-3 ac 3-5 ac 5-10 ac 10-25 ac Type of Aquatic Resource¹ 25-50 ac >50 ac Linear Feet Unknown Lake River Stream Dry Wash Mud Flat Sand Flat Wetlands Slough Prairie Pothole Wet Meadow Playa Lake Vernal Pool **Natural Pond** Other Water (Identify Type) Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size for non-jurisdictional aquatic resource area. If Known If Unknown Migratory Bird Rule Factors¹: **Use Best Professional Judgment** Predicted Not Expected to Not Able to Make Yes Nο to Occur Occur Determination Is or would be used as habitat for birds protected by Migratory Bird Treaties? Is or would be used as habitat by other migratory birds that cross state lines? Is or would be used as habitat for endangered species? Is used to irrigate crops sold in interstate commerce?

¹ Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF	DETERM	INATION:
---------	--------	----------

	Preliminary	L	or	Approved
--	-------------	---	----	----------

OPTIONAL ADDITIONAL INFORMATION SUPPORTING NJD (e.g., discussion may include information reviewed to assess potential navigation or interstate commerce connections - 1 to 3 paragraphs):



CES::VG-PE-RC (1145)

27 July 2004

MEMORANDUM FOR THE FILE

Subject: D-15893; Harris County Public Infrastructure Department, Jurisdictional Determination, Matzke Park, Harris County, Texas

- 1. Harris County Public Infrastructure Department requested by letter dated 23 March 2004, a jurisdictional determination for improvements to Matzke Park. The project site is located on a 20-acre tract of land at the intersection of Grant Road and Jones Road in Harris County, Texas.
- 2. A desk review was conducted on 27 July 2004. Examined in this review were USGS topographical maps, Harris County FEMA Flood Plain map, National Wetland Inventories map, Harris County Soil Surveys, and maps provided with the request. This area lies outside of the 100-year flood plain with no hydrological connection to any waters of the United States.
- 3. Based on the findings from the desk review, the proposed site does not contain waters of the United States, including wetlands, subject to the Corps' jurisdiction. Therefore neither Section 404 of the Clean Water Act or Section 10 of the Rivers and Harbors Act applies.

Álicia Rea

Regulatory Specialist

DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE:	CESWG-F	PE-RC							
FILE NUMBER:	D-15860/(01)	, · · · · · · · · · · · · · · · · · · ·			•			
REGULATORY PROJECT MA	NAGER:	Kenny Jay	/nes	v			Date:		23-Aug-04
PROJECT REVIEW/DETERMI	NATION CO	OMPLETED	In the office .	t Site	Yes (Y/N)		Date: Date:		23-Aug-04
PROJECT LOCATION INFORI State: County: Center Coordinates of S Approximate Size of Sit Name of Waterway or W	Site by Latit e/Property				:		\overline{H}	EXR) aris 58.869	95-9-19. 96 4
SITE CONDITIONS:									
Type of Aquatic Resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	>50 ac	Linear Feet	Unknown
Lake									
River				ļ					
Stream		1							
Dry Wash									
Mud Flat			1						
Sand Flat				XXXXX					
Wetlands	1								
Slough									
Prairie Pothole									
Wet Meadow			·	T					
Playa Lake								·	
Vernal Pool	+		 				1		
Natural Pond				 	 		·		
Other Water (Identify Type)									
1 Check appropriate boxes th	at best des	scribe type	of isolated	non-navio	nable intra	-state wate	r present a	and best	
estimate for size for non-ju	riedictiona	l aquatic re	SOURCE are	a	jabic, ilitia	State Wate	, procent t	and boot	
		aquatic re	source are	H K	nown	T		lf Unknown	
Migratory Bird Rule Factors ¹						1 ,		rofessional J	udament
						Predicted		pected to	Not Able to Make
				Yes	No	to Occur		Occur	Determination
Is or would be used as habita Migratory Bird Treaties?	at for birds	protected l	by			x			
Is or would be used as habita	at by other	migratory I	hirds that	- h	1	1			
cross state lines?	at by outer	g.a.c., .		İ		x			
Is or would be used as habit	at for enda	ngered sne	cies?	†		 	1		X
Is used to irrigate crops sold							T		X
					-646 843	otoma Dinal	Dula ta an	alu ta anaita	non iuriodiational
¹ Check appropriate boxes the isolated, non-navigable, intra				plicability	of the Migra	atory Bird	Hule to ap	piy to onsite,	non-jurisdictional,
TYPE OF DETERMINATION:				Prelimina	iry	or	Approve	d XX	
OPTIONAL ADDITIONAL INF navigation or interstate com	ORMATION	N SUPPORT nections - 1	TING NJD (to 3 parag	e.g., discus graphs):	ssion may i	include inf	ormation r	eviewed to as	sess potential
	MON-	30 6	er si	J.CAN	2 A	grane	ncy d	elermin	d by
R	azer) a	nork	(CFF	_ & la	oul.	policy))

DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE:	CESWG-P	E-RC				,			
FILE NUMBER:	D-16190								
REGULATORY PROJECT MAN	NAGER:	Hudson, J	ayson J/	NH	P.4		Date:		22-Jui-04
PROJECT REVIEW/DETERMIN	NATION CO	MPLETED:		Y			Date: Date:		22-Jul-04
PROJECT LOCATION INFORM State: County: Center Coordinates of S Approximate Size of Sit Name of Waterway or W	Site by Latit e/Property	tude & Long (Including	gitudinal C Uplands &	oordinates In Acres):	:		Texas Harris UTM 15 30 Clear Cree	00491E 32727 9k	94N 26.57
SITE CONDITIONS.	T			T	I	T	T	1	
Type of Aquatic Resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	>50 ac	Linear Feet	Unknown
Lake									
River									>
Stream									
Dry Wash									
Mud Flat									
Sand Flat							<u> </u>		
Wetlands									х
Slough									·
Prairie Pothole									4
Wet Meadow		<u> </u>							:
Playa Lake									
Vernal Pool				ļ			<u> </u>		ļ ·
Natural Pond									
Other Water (Identify Type)									
1 Check appropriate boxes the	at host dos	cribe type (of isolated	non-navig	able intra-	state wate	r present a	nd best	
estimate for size for non-jui	risdictional	aquatic res	source area	a.	u.b.o,u				
Migratory Bird Rule Factors ¹ :					nown			lf Unknown	
				,				rofessional J	
				Yes	No	Predicted to Occur		rpected to Occur	Not Able to Make Determination
Is or would be used as habita Migratory Bird Treaties?	t for birds	protected b	у						x
Is or would be used as habita	t by other r	nigratory b	irds that						x
cross state lines?	t for andan	gorod enoc	sice?			<u> </u>	 	+	x
Is or would be used as habita				 		 	 	—	X
Is used to irrigate crops sold				<u> </u>	<u> </u>			<u> </u>	J
¹ Check appropriate boxes thisolated, non-navigable, intra				olicability o	of the Migra	itory Bird I	Rule to app	ly to onsite, r	ion-jurisdictional,
TYPE OF DETERMINATION:				Prelimina	ry <u>XX</u>	_ or	Approved	ı	

OPTIONAL ADDITIONAL INFORMATION SUPPORTING NJD (e.g., discussion may include information reviewed to assess potential navigation or interstate commerce connections - 1 to 3 paragraphs): See Attached Memo



MEMORANDUM FOR THE FILE

SUBJECT: D-16190, Clear Creek ISD, Jurisdictional Determination, Kirby Road and NASA Road 1 Intersection, Pasadena, Harris County, Texas

- 1. Ms. Sandra Mossmon, requested a jurisdictional determination for the proposed elementar6y school located on Kirby Road, north of the NASA Road 1 and Kirby Road intersection, in Pasadena, Harris County, Texas. The letter requesting this determination was dated 9 June 2004.
- 2. A desk review was completed on 22 July 2004. The desk review consisted of an examination of the following information:
- 1995 U.S.G.S League City topographic quadrangle
- 1999 League City National Wetland Inventory map (NWI)
- 1995 Digital Ortho Quarter Quadrangle (DOQQ)-- (League City)
- The Federal Emergency Management Agency's Flood Insurance Rate Map (Harris County Panel 1085 of 1135) Map revised on 6 November 1996.
- 3. The site is located outside of the 100-year floodplain of any known waters of the United States. There are several signatures on the 1995 DOQQ that may be wetlands, but there are not any signatures located on the NWI. There are no apparent hydrological surface connections between the site and a water of the United States.
- 4. No site visit was conducted.

5. We conclude that there are no waters of the United States, including wetlands, located within the project area. Therefore, the discharge of dredged or fill material on the property, as shown by the boundaries submitted with the request, is not subject to Section 404 of the Clean Water Act and does not require a Department of the Army permit. This preliminary jurisdictional determination is valid for 5 years from the date of the notifying letter unless new information warrants a revision prior to the expiration date.

Regulatory Specialist
North Compliance Unit

DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE:	Galvestor	າ							
FILE NUMBER:	D-16413					- -			
REGULATORY PROJECT MA	NAGER:	Dwayne J	ohnson			_	Date:	-	9/2/2004
PROJECT REVIEW/DETERMI	NATION C	OMPLETED	In the office		_ (Y/N) (Y/N)		Date: Date:		9/2/2004
PROJECT LOCATION INFORM State: County: Center Coordinates of S		tude & Lone	nitudinal C	oordinates			Texas Harris	"N, 95° 29' 19	11/4/
Approximate Size of Site Name of Waterway or W	e/Property				·•		White Oal		14.25
SITE CONDITIONS:							TTTILL GAL	Dayou	
Type of Aquatic Resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	>50 ac	Linear Feet	Unknown
Lake									
River	 							 	
Stream								1	
Dry Wash		<u> </u>						1	· · · · · · · · · · · · · · · · · · ·
Mud Flat									
Sand Flat									
Wetlands				-	XXXXXXX	X			
Slough									
Prairie Pothole								-	
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (Identify Type) D									
Drainage Ditch/Fish ponds									
¹ Check appropriate boxes that	at best des	cribe type	of isolated.	non-navio	able, intra-	state water	present a	nd best	
estimate for size for non-jur					,,		p		
Migratory Bird Rule Factors ¹ :				lf Kı	10WN	If Unknown Use Best Professional Judgment			
				Yes	No	Predicted to Occur		pected to Occur	Not Able to Make Determination
Is or would be used as habita Migratory Bird Treaties?									XXXXX
ls or would be used as habita	t by other	migratory b	irds that						
cross state lines?									XXXXX
ls or would be used as habita									XXXXX
Is used to irrigate crops sold	in interstat	te commerc	e?					<u>l</u>	XXXXX
¹ Check appropriate boxes that isolated, non-navigable, intra-				olicability o	of the Migra	tory Bird R	ule to app	ly to onsite, r	ıon-jurisdictional,
TYPE OF DETERMINATION:			· · · · · · · · · · · · · · · · · · ·	Prelimina	у	or	Approved	Xxxxxx	
OPTIONAL ADDITIONAL INFO navigation or interstate comm					sion may ir	nclude info	rmation re	viewed to ass	sess potential

DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE:	Galvestor	ו י			•	_				
FILE NUMBER:	D-16413					_				
REGULATORY PROJECT MA	NAGER:	Dwayne J	ohnson			_	Date:		9/2/200	
PROJECT REVIEW/DETERMI	NATION C	OMPLETED	In the office		(Y/N) (Y/N)	Date: Date:			9/2/200	
PROJECT LOCATION INFORM State: County:		huda O I ama					Texas Montgome	ery		
Center Coordinates of S Approximate Size of Site Name of Waterway or W	e/Property				3:)"Ñ, 95° 16' 44	!"W 14	
SITE CONDITIONS:	atersneu.						Dry Creek			
Type of Aquatic Resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10.05					
	0-1 ac	I-S ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	>50 ac	Linear Feet	Unknown	
Lake										
River										
Stream										
Dry Wash	ļ									
Mud Flat										
Sand Flat	ļ		***							
Wetlands	ļ	·			XXXXXXX	X				
Slough				<u> </u>						
Prairie Pothole Wet Meadow										
Playa Lake Vernal Pool	ļ	<u> </u>								
Natural Pond										
Other Water (Identify Type) D										
Drainage Ditch/Fish ponds	1									
¹ Check appropriate boxes that	t hest des	cribe type c	of isolated	non-navio	able intra-	etato wator	proport	nd boot	<u> </u>	
estimate for size for non-jur	isdictional	aquatic res	ource area	non-navig	abic, iiita-	State Water	present a	iiu best		
Migratory Bird Rule Factors ¹ :					nown	U	If Unknown Use Best Professional Judgment			
				Yes	No	Predicted to Occur	Not Exp	ected to	Not Able to Make Determination	
ls or would be used as habitat Migratory Bird Treaties?									XXXXX	
Is or would be used as habitat cross state lines?	by other i	migratory bi	irds that						XXXXX	
Is or would be used as habitat	for endan	gered spec	ies?						XXXXX	
Is used to irrigate crops sold i	n interstat	e commerc	e?						XXXXX	
¹ Check appropriate boxes tha isolated, non-navigable, intra-	it best des state aqua	cribe poten	tial for app	licability o	f the Migra	tory Bird R	ule to app			
TYPE OF DETERMINATION:				Preliminar	у	or	Approved	Xxxxxx		
OPTIONAL ADDITIONAL INFO navigation or interstate comm	RMATION erce conn	SUPPORTII	NG NJD (e.	.g., discus:					sess potential	

DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: FILE NUMBER:	
REGULATORY PROJECT MANAGER:	Williams Date: 22 September 2004
PROJECT REVIEW/DETERMINATION COMPLET	In the office Y (Y/N) Date: 22 September 2004 At the project site N (Y/N) Date: NA
PROJECT LOCATION INFORMATION:	
State:	Texas
County:	Brazoria
Center coordinates of site by latitude & longit Approximate size of site/property (including u Name of waterway or watershed:	

SITE CONDITIONS:

Type of aquatic resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
Lake									
River							1		
Stream									—
Dry Wash									-
Mudflat									
Sandflat							1		
Wetlands	X	1						1	†
Slough			1					 	†
Prairie pothole		1	T			1		†	
Wet meadow					1				
Playa lake			<u> </u>						
Vernal pool							· · · · · · · · · · · · · · · · · · ·	† ··· -	
Natural pond								·	
Other water (identify type)	-								

Migratory Bird Rule Factors':	If Kn	own	. If Unknown Use Best Professional Judgment				
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able To Make Determination		
Is or would be used as habitat for birds protected by Migratory Bird Treaties?					X		
Is or would be used as habitat by other migratory birds that cross state lines?					X		
Is or would be used as habitat for endangered species?					X		
Is used to irrigate crops sold in interstate commerce?					X		

Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION:

Preliminary	X_Or	Approved
-------------	------	----------

ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 – site conditions; paragraphs 2-3 – rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 – site information on waters of the U.S. occurring onsite):

D-15859 Determination of No Jurisdiction Additional Information Supporting NJD

- 1. There appears to be one (1) isolated wetland area (wetland G), which is approximately 0.3 acres, and it is located completely within the project area. Several other wetland areas identified in the report appear to be upland drainage ditches.
- 2. This wetland appears to be depressional and it is located completely outside of the 100 year floodzone. Based on the desk review, there were no obvious surface hydrological connections from the wetland area to any water of the United States.
- 3. There appears to be about 0.5 acre of wetlands adjacent to Cowart Creek, a tributary to Clear Creek, which is a navigable water of the United States, located on the proposed project site. This is a preliminary jurisdictional determination.

DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK **COUNTY V. U.S. ARMY CORPS OF ENGINEERS**

DISTRICT OFFICE:	CESWG-	PE-RC							
FILE NUMBER:	D-15878					- -			
REGULATORY PROJECT MA	NAGER:	Hoth				_	Date:		
PROJECT REVIEW/DETERMI	NATION CO	OMPLETED		Yct Site N			Date: Date:		8/9/200
PROJECT LOCATION INFORM State: County: Center Coordinates of Approximate Size of Si Name of Waterway or V	Site by Lati te/Property				: :		Texas Fort Bend 29° 36' 31 20-acres Sims Baye	"N 95° 30'	30"W
SITE CONDITIONS:	7	T		.					
Type of Aquatic Resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	>50 ac	Linear Feet	Unknown
Lake						1		 	
River								1	
Stream				1					
Dry Wash									
Mud Flat									
Sand Flat									
Wetlands				<u> </u>		<u> </u>			x
Slough									~
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool								 	
Natural Pond								 	
Other Water (Identify Type)									
1 Check appropriate boxes tha	t best desc	ribe type o	f isolated,	non-naviga	able, intra-s	tate water	present ar	l nd best	
estimate for size for non-jur	isdictional	aquatic res	ource area	· · · · · · · · · · · · · · · · · · ·					
Migratory Bird Rule Factors ¹ :				If Kn	own			f Unknown	
								rofessional Ju	
				Yes	No	Predicted to Occur		pected to Occur	Not Able to Make
ls or would be used as habitat	t for birds p	rotected by	/			to Occur		rccui	Determination
Migratory Bird Treaties?	h								X
ls or would be used as habitat cross state lines?									X
ls or would be used as habitat									X
ls used to irrigate crops sold i	in interstate	e commerce	∍?						X
^l Check appropriate boxes tha isolated, non-navigable, intra-	it best desc state aquat	ribe potent tic resource	ial for app area.	licability of	the Migrat	ory Bird R	ule to appl	y to onsite, n	on-jurisdictional,
TYPE OF DETERMINATION:	•			Preliminar	у	or	Approved	<u>x</u>	
OPTIONAL ADDITIONAL INFO	RMATION	SUPPORTII	NG NJD (e.					_	ess potential

- 1. A jurisdictional determination was performed on a 20-acre tract. The tract is located on the west side of Fondren Road and north of Independence Road, in Fort Bend County, Texas.
- 2. A review of the site was performed on 9 August 2004 and included the collection and investigation of an infrared aerial photograph, a FEMA flood plain map, a USGS topographical map, a National Wetland Inventory map, and the Fort Bend County Soil Survey.
- 3. Based on our 9 August 2004 review, no waters of the United States, including adjacent wetlands are present within the 20-acre project site. A linear drainage feature is located on the west side of the project site. However, the linear drainage feature is not a water of the United States because it was excavated from uplands and does not extend the ordinary high water mark of a water of the United States. Therefore, it is an upland drainage ditch. If the wetland within the project site is hydrologically connected to the upland drainage ditch to the west, it is not subject to Corps of Engineers jurisdiction because the upland drainage ditch is not a water of the United States. In addition, the project site as well as the wetland within the project site, is not located within the 100-year flood plain of a water of the United States. Therefore, the wetland within the project site is isolated with no known nexus to interstate commerce and as such, is not subject to Corps of Engineers jurisdiction pursuant to Section 404 of the Clean Water Act or Section 10 of the Rivers and Harbors Act of 1899.

DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: FILE NUMBER:	SWG D-15450	
REGULATORY PROJECT MANAGER:	Andrew Williams	Date: 26 July 2004
PROJECT REVIEW/DETERMINATION COMPLET	D: In the office \underline{Y} (Y/N) At the project site \underline{N} (Y/N)	Date: 26 July 2004
PROJECT LOCATION INFORMATION:	At the project site iv. (17)	Date. 20 July 2004
State: County: Center coordinates of site by latitude & longide Approximate size of site/property (including to Name of waterway or watershed:	ands & in acres): 28.9 ac	43"N, 95° 33' 09"W (NAD27)

SITE CONDITIONS:

Type of aquatic resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
Lake				1	 		 	+	+
River			<u> </u>		†	-	 		
Stream					-		 		
Dry Wash						 		+	
Mudflat		 	 		 				
Sandflat			<u> </u>		 	 			
Wetlands			<u> </u>	-	X	-		<u> </u>	
Slough					 	 			
Prairie pothole			 			 	<u> </u>	 	
Wet meadow			<u> </u>		 			 	
Playa lake				· · · · · ·				+	
Vernal pool								 	
Natural pond									ļ
Other water (identify type)	_								
Check appropriate boxes that l jurisdictional aquatic resource	best describe	type of iso	lated, non-	navigable, ii	tra-state wat	er present ar	d best estim	ate for size of	non-

Migratory Bird Rule Factors¹:	If K	nown		If Unknown					
			1	Use Best Professiona	l Judgment				
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able To Make Determination				
s or would be used as habitat for birds protected by Migratory Bird Treaties?					X				
s or would be used as habitat by other migratory birds that cross state lines?					X				
s or would be used as habitat for endangered species?					Ÿ				
s used to irrigate crops sold in interstate commerce? Check appropriate boxes that best describe potential for applic					<u> </u>				

TYPE OF DETERMINATION:

Preliminary	Or	Approved	Χ.

ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 – site conditions; paragraphs 2-3 – rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 – site information on waters of the U.S. occurring onsite):

D-15450 Determination of No Jurisdiction Additional Information Supporting NJD

- 1. The project area is 28.9 acres and consists of 4 wetland areas. Three (3) of these wetlands are isolated. The three delineated, isolated wetlands total approximately 22.5 acres and they are located completely within the project area.
- 2. All three isolated wetlands are depressional wetland and they are located completely outside of the 100 year floodzone. Based on the desk review, and site inspection, there were no obvious surface hydrological connections from any of the wetland areas to any water of the United States.
- 3. There is one (1) adjacent wetland located on the proposed project site and it is 6.4 acres. This is an approved jurisdictional determination.

DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE:	CESWG					_				
FILE NUMBER:	Permit 23	235; Determ	mination mad	de under deli	neation verifi	– cation D-153	882 (prior to	NJD Form Requ	irement)	
REGULATORY PROJECT MA	T MANAGER: T. Cheryl Jaynes Date: 28 July 61									
PROJECT REVIEW/DETERM	INATION CO	MPI ETED	t In the office		~		Data:	10 Doc 04	•	
		22125	At the Project	rt Site	$\frac{Y}{Y}$		Date: Date:	19-Dec-04 19-Dec-04		
			/ tt tile i rojet	St Offe			Dale.	19-Dec-04		
PROJECT LOCATION INFOR	MATION:									
State:			•				Texas			
County:							Fort Bend			
Center Coordinates of	Site by Lati	tude & Lor	oitudinal (Coordinate	٥.			1"; 95 ° 38' 53.3	7"	
Approximate Size of S							2,083 acre		<u> </u>	
Name of Waterway or \		(- Cpianao (•			you and Bullhe		
							Alcomba	you and builde	au Bayou	
SITE CONDITIONS:		r			T	1	T			
Type of Aquatic Resource ¹ Lake	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	>50 ac	Linear Feet	Unknown	
River			-	-			ļ	 		
Stream				 	<u> </u>	<u> </u>				
Dry Wash						 		 		
Mud Flat	+							ļ		
Sand Flat	 		<u> </u>	 	 	 				
Wetlands	+	Х								
Slough		^						-		
Prairie Pothole					 					
Wet Meadow				ļ					<u> </u>	
Playa Lake	 									
Vernal Pool	† ···								-	
Natural Pond					ļ			 		
Other Water (Identify Type)										
¹ Check appropriate boxes that	at best desc	ribo tupo c	of icolated	non novim	abla intra	-4-44-		<u> </u>		
estimate for size for non-jur	isdictional:	aquatic ree	Ource are	, non-navig a	avie, intra-	state wate	r present a	ind best		
Migratory Bird Rule Factors ¹ :	- Curotronar	aquatio 100	ource are		own			If Unknown		
inigratory Bird Rule ractors :						Use Best Professional Judgment				
						Predicted				
				Yes	No	to Occur	•	ccur	Not Able to Make Determination	
Is or would be used as habita Migratory Bird Treaties?	t for birds p	rotected by	у			х			Determination	
Is or would be used as habita	t by other m	igratory bi	rds that							
cross state lines?	-	- •				х				
Is or would be used as habita	t for endang	ered speci	ies?						X	
Is used to irrigate crops sold								X		
¹ Check appropriate boxes tha	at best désc	ribe noten	tial for ann	licability o	f the Micro	tony Rind D	ulo to anni		and the state of t	
isolated, non-navigable, intra-	state aquati	c resource	area.	oncability o	- tile Milgra	tory Bird K	uie to app	iy to onsite, no	on-jurisdictional,	
TYPE OF DETERMINATION:				Preliminar	у	, or .	Approved	<u>X</u>		
OPTIONAL ADDITIONAL INFO	RMATION S	UPPORTIN	IG NJD (e.	g., discuss	ion may in	clude infor	mation rev	riewed to asse	ss potential	

MEMORANDUM FOR THE FILE

Subject: Support Memo for Determination of No Jurisdiction for Isolated, Non-Navigable, Intra-State Waters (NJD) Form for Permit 23235

A determination was made under delineation verification D-15382 previous to the NJD Form requirement. The information from that determination, made by Regulatory Specialist Glenn Weitknecht, South Unit, Compliance Section is as follows: Jurisdictional Determination, Newland Communities, Southwest Corner of the Intersection of State Highway 6 and U.S. 90A, Sugar Land, Fort Bend County, Texas

- 1. The total project site is 2,083 acres. Located within the project boundaries are approximately 2 acres of isolated wetlands. None of these wetlands extend off of the subject tract. Project specifics: Place fill into four separate headwater areas (comprising 14 acres) and 2.01 acres of adjacent wetlands during the construction of a 2,083-acre master planned community that will include residential and commercial development, public parks and schools.
- 2. The wetlands that were determined to be isolated were called so because they are completely outside the 100-year floodplain of a water of the United States and have no apparent direct surface hydrological connection to a water of the United States. Isolate wetlands with no known nexus to interstate commerce are not waters of the United States and are not subject to Section 404 of the Clean Water Act.
- 3. 15.90 total acres of jurisdictional waters of the United States, including 13.89 acres of the headwaters of Alcorn, Brown, and Bullhead Bayous and 2.01 acres of adjacent wetlands exist are present on the subject tract.
- 4. Mitigation: construct a total of 16.2 acres of onsite drainage and detention with wetland shelves. Specifically, a total of 5.9 acres of wetlands with a forebay/micropool design to be established within the new alignment and within the proposed DDS, 10.3 acres of wetland shelf. To compensate for non-jurisdictional habitat impacts, the applicant voluntarily offered to preserve a 20-acre riparian corridor habitat area located offsite, adjacent to the northeastern boundary of the Brazos River and southeast of the Brazos River and US 59 intersection.

T. Cheryl Jaynes
Project Manager

DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS
RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK
COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE:	Galveston	District				<u>.</u>			
FILE NUMBER:	D-15796					_			
REGULATORY PROJECT MA	NAGER:	Glenn We	itknecht			_	Date:		11-Jul-04
PROJECT REVIEW/DETERMI	NATION CO	MPLETED	! In the office		Υ		Date:		11-Jul-04
				t Site			Date:		8-Jul-04
					•		D 4.0.		0 001 0-
PROJECT LOCATION INFOR	MATION:								
State:							Texas		
County:				Fort Bend					
Center Coordinates of S		29° 43′ 13	" 95° 47' 10"						
Approximate Size of Sit		(Including I	Uplands &	In Acres):				107.1	13.92
Name of Waterway or W	atershed:						Buffalo Ba	iyou	
SITE CONDITIONS:									
	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	>50 ac	Linear Feet	
Type of Aquatic Resource ¹	0-1-00	1-0 ac	9-3 ac	3-10 ac	10-23 ac	20-30 ac	>50 ac	Lillear reet	Unknown
Lake		ļ	ļ		ļ	ļ			
River	.								
Stream	-		<u> </u>	ļ			ļ		
Dry Wash Mud Flat	 								
Sand Flat	-								
Wetlands		≈2							
Slough		≈2				<u> </u>		 	
Prairie Pothole		 							
Wet Meadow			<u> </u>	1		 			
Playa Lake	<u> </u>								
Vernal Pool									
Natural Pond	<u> </u>								
Other Water (Identify Type)								<u> </u>	
					Ì				
1 Check appropriate boxes the	at best des	cribe type c	of isolated,	non-navig	able, intra-	state water	present a	nd best	
estimate for size for non-jui		aquatic res	source area			•			
Migratory Bird Rule Factors ¹ :				lf Kı	nown			f Unknown	
						The second secon		rofessional J	
				Yes	No	Predicted to Occur		pected to Occur	Not Able to Make
Is or would be used as habita	t for birde i	arotected h	v			to Occur		Ccui I	Determination
Migratory Bird Treaties?	t for birds	orotected b	y			x			
Is or would be used as habita	t by other r	nigratory b	irds that						
cross state lines?						x		·	
Is or would be used as habita	t for endan	gered spec	ies?						X
Is used to irrigate crops sold					X				
¹ Check appropriate boxes the				licability o		tory Bird P	ula to ann	ly to oneito n	on-juriedictional
isolated, non-navigable, intra-				meability 0	i are migra	iory biru n	uie io app	iy to onsite, fi	on-jurisalcuonal,
nondred, mon navigable, mua	otato aqua		- a. ou.						
TYPE OF DETERMINATION:				Prelimina	у	or	Approved	x	

OPTIONAL ADDITIONAL INFORMATION SUPPORTING NJD (e.g., discussion may include information reviewed to assess potential navigation or interstate commerce connections - 1 to 3 paragraphs):

MEMORANDUM FOR THE FILE

Subject: D-15796; Jurisdictional Determination, Katy Independent School District, Proposed Elementary School No. 27, North of Fry Road approximately 0.5 Miles West of State Highway 99, Fort Bend County, Texas

- 1. The total project site is 13.92 acres. Located within the project boundaries are approximately 2 acre of isolated wetlands. None of these wetlands extend off of the subject tract. No project specifics were given with the jurisdictional determination request to ascertain which, if any, of these wetlands are to be filled, but the proposed project is for the Katy ISD to construct a new elementary school.
- 2. The wetlands that were determined to be isolated were called so because they are completely outside the 100-year floodplain of a water of the United States, have no known nexus to interstate commerce, and have no apparent direct surface hydrological connection to a water of the United States.
- 3. No waters of the U.S. are present on the subject tract.

ORIGINAL SIGNED BY

Glenn Weitknecht Regulatory Specialist

DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE:	Galvestor	District								
FILE NUMBER:	D-16211					_				
REGULATORY PROJECT MA	ANAGER:	Glenn We	eitknecht	···		_	Date:		11-Jul-	
PROJECT REVIEW/DETERM	INATION CO	MPLETED	tn the office		Υ		Date:			
				ct Site			Date:		11-Jul-(
					•		Daie.		8-Jul-(
PROJECT LOCATION INFOR	MATION:									
State:							Texas			
County:							Fort Bend			
Center Coordinates of S	Site by Latit	ude & Long	gitudinal C	oordinates	:			" 95° 39' 16"	· · · · · · · · · · · · · · · · · · ·	
Approximate Size of Sit	te/Property (Including I	Uplands &	In Acres):			Unknown			
Name of Waterway or W	/atershed:						Oyster Cr	eek		
SITE CONDITIONS:										
Type of Aquatic Resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	>50 ac	Linear Feet	Unknown	
Lake										
River										
Stream										
Dry Wash									<u> </u>	
Mud Flat										
Sand Flat										
Wetlands	X									
Slough										
Prairie Pothole										
Wet Meadow										
Playa Lake	<u> </u>						•			
Vernal Pool										
Natural Pond										
Other Water (Identify Type)	1									
Check appropriate boxes that estimate for size for non-jur	at best desc	ribe type o	f isolated,	non-naviga	able, intra-s	state water	present ar	nd best		
	isulcuonai a	iquatic res	ource area		· · · ·					
Migratory Bird Rule Factors ¹ :				If Known			If Unknown Use Best Professional Judgment			
						Predicted				
				Yes	No	to Occur	Not Exp	ected to	Not Able to Make	
s or would be used as habitat Migratory Bird Treaties?	for birds p	rotected by	1			to Occur			Determination	
s or would be used as habitat	by other m	igratory bir	rds that						X	
s or would be used as habitat	for endang	ered specie	es?						X	
s used to irrigate crops sold i					x 				X	
Check appropriate boxes tha						ory Bird D	ulo to comi	. to on-!!-		
solated, non-navigable, intra-	state aquati	c resource	area.	ioability Of	ule Migrat	ory bira Al	ne to apply	y to onsite, no	on-jurisdictional,	
YPE OF DETERMINATION:			ı	Preliminary	,	or	Annroyed 1	Y		

OPTIONAL ADDITIONAL INFORMATION SUPPORTING NJD (e.g., discussion may include information reviewed to assess potential navigation or interstate commerce connections - 1 to 3 paragraphs):

MEMORANDUM FOR THE FILE

Subject: D-16211; Jurisdictional Determination, Texas Department of Transportation (TxDOT), Sugar Land Regional Airport, Fort Bend County, Texas

- 1. The total project acreage is unknown. Located within the project boundaries are less than 1 acre of isolated wetlands. None of these wetlands, labeled A thru C in the JD request, extend off of the subject tract. The proposed project is to fill these wetlands to construct additional ramp space and T-hangars for the airport.
- 2. The wetlands that were determined to be isolated were called so because they are completely outside the 100-year floodplain of a water of the United States, have no known nexus to interstate commerce, and have no apparent direct surface hydrological connection to a water of the United States.
- 3. Other waters of the United States are present on the subject tract. This JD request dealt specifically with the wetlands labeled A thru C, which were small depressional wetlands in a grassy field area just south of the terminal parking lot, east of State Highway 6.

* After the All being a

Glenn Weitknecht Regulatory Specialist

DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE:	CESWG-I	PE-RC										
FILE NUMBER:	D-15493	15493										
REGULATORY PROJECT MA	NAGER:	Hoth		·,			Date:		7/16/2004			
PROJECT REVIEW/DETERMI	NATION CO						Date:	<u> </u>	7/16/2004			
			At the Project	t SiteY	_ (Y/N)		Date: 7/16/2					
PROJECT LOCATION INFORI State: County: Center Coordinates of Approximate Size of Si Name of Waterway or V	Site by Lati	(Including			: :		Texas Brazoria UTM 15 Ea	sting: 272489 No	rthing: 3271568 9			
SITE CONDITIONS:												
Type of Aquatic Resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	>50 ac	Linear Feet	Unknown			
Lake												
River	<u> </u>											
Stream												
Dry Wash					ļ				<u> </u>			
Mud Flat					1							
Sand Flat												
Wetlands						ļ	1	<u> </u>	X			
Slough Prairie Pothole		_			 							
Wet Meadow	-	_			 							
Playa Lake		1			 			1				
Vernal Pool					 		<u> </u>					
Natural Pond		<u> </u>					 	1				
Other Water (Identify Type)												
1 Check appropriate boxes th	at best des	cribe type o	of isolated.	non-navig	able, intra-	state wate	r present a	nd best				
estimate for size for non-ju					· · · · · · · · · · · · · · · · · · ·							
Migratory Bird Rule Factors ¹				If Known			If Unknown Use Best Professional Judgment					
							1	cpected to Occur	Not Able to Make Determination			
ls or would be used as habita	at for birds	protected b	у									
Migratory Bird Treaties?								ļ	Х			
ls or would be used as habita	at by other	migratory b	irds that		i				,			
cross state lines?				ļ				-	X			
Is or would be used as habita					ļ		 		X			
Is used to irrigate crops sold				L		<u> </u>	<u> </u>	<u></u>	X			
¹ Check appropriate boxes th isolated, non-navigable, intra				olicability o	of the Migra	tory Bird F	Rule to app	ly to onsite, n	on-jurisdictional,			
TYPE OF DETERMINATION:				Prelimina	ry	or	Approved	ı x				
OPTIONAL ADDITIONAL INFO	ORMATION	SUPPORT	NG NJD (e	.g., discus	sion may ir	nclude info	rmation re	viewed to ass	ess potential			

Additional Information: D-15493; Approved Jurisdictional Determination, City of Pearland, Proposed Cullen Road Extension, From F.M. 518 to County Road 89, in Brazoria County, Texas.

- 1. Quadrant Consultants, Inc. requested on behalf of The City of Pearland, a jurisdictional delineation verification for the proposed Cullen Road Extension, from F.M. 518 to County Road 89, in Brazoria County, Texas. The main goal of this project is to reduce congestion along F.M. 518 by allowing Cullen Road traffic direct access to County Road 89 without using F.M. 518.
- 2. The project area is outside the 100-year flood plain of a water of the United States and the wetlands on the site do not have a surface hydrologic connection to a water of the United States. As such, the wetlands within the project area are isolated with no known nexus to interstate commerce. The linear drainage feature along Fite Road is manmade upland drainage ditch that does not extend the ordinary high water mark of a water of the United States and is not subject to Corps of Engineers jurisdiction.
- 3. Based on our 15 July 2004 desk review, no waters of the United States, including adjacent wetlands are present within the project area. As such, working or discharging dredged or fill material within the project area is not subject to Corps of Engineers jurisdiction pursuant to Section 404 of the Clean Water Act and will not require a Department of the Army permit.

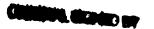
DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE:	Galvestor	District								
FILE NUMBER:	D-15587					-				
REGULATORY PROJECT MA	NAGER:	Glenn We	eitknecht			_	Date:		11-Jul-04	
PROJECT REVIEW/DETERM	INATION CO	MPI FTFD	In the office		Y		Date:		44 1.40	
THOUSE THE VIEW BETEINM	inanon o), , ,,,,		ct Site	•		Date:		11-Jul-04 8-Jul-04	
			At the Frojet		•		Date.		0-Jul-04	
PROJECT LOCATION INFOR	MATION:									
State:							Texas			
County:							Fort Bend			
Center Coordinates of S	Site by Latit	ude & Long	gitudinal C	oordinates	:		29° 36' 58	" 95° 30' 49"		
Approximate Size of Sit	e/Property	(Including	Uplands &	In Acres):					95	
Name of Waterway or W	/atershed:						Sims Baye	ou		
SITE CONDITIONS:										
Type of Aquatic Resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	>50 ac	Linear Feet	Unknown	
	0.40		UUAU	3-10 ac	10-23 ac		>30 ac	Lilleal Feet	Unknown	
Lake				ļ		45				
River			<u> </u>	<u> </u>	<u> </u>					
Stream										
Dry Wash			ļ	ļ		ļ				
Mud Flat		<u> </u>		<u> </u>						
Sand Flat	ļ			ļ						
Wetlands			≈5							
Slough				į						
Prairie Pothole		ļ								
Wet Meadow										
Playa Lake						ļ				
Vernal Pool	_									
Natural Pond	ļ					<u> </u>				
Other Water (Identify Type)										
Manmade drainage ditch	<1									
1 Check appropriate boxes th	at best des	cribe type o	of isolated,	non-navig	able, intra-	state water	present a	nd best		
estimate for size for non-ju	risdictional	aquatic res	source area	a.						
Migratory Bird Rule Factors ¹ :				If Known			If Unknown Use Best Professional Judgment			
		Yes	No	Predicted to Occur	Not Expected to Not Able to		Not Able to Make Determination			
ls or would be used as habita	t for birds	protected b	y							
Migratory Bird Treaties?			-		l	x				
ls or would be used as habita	t by other n	nigratory b	irds that							
cross state lines?				İ		x				
ls or would be used as habita	t for endan	gered spec	ies?						X	
ls used to irrigate crops sold	in interstat	e commerc	e?		X					
1 Check appropriate boxes the isolated, non-navigable, intra-	at best dese -state aqua	cribe poten	tial for app e area.	licability o	f the Migra	tory Bird R	ule to app	y to onsite, n	on-jurisdictional,	
TYPE OF DETERMINATION:				Prelimina	ту	or	Approved	х		

OPTIONAL ADDITIONAL INFORMATION SUPPORTING NJD (e.g., discussion may include information reviewed to assess potential

Subject: D-15587; Jurisdictional Determination, Approximately 95 Acre Buffalo Run Park, City of Missouri City, Fort Bend County, Texas

- 1. The total project site is 95 acres. Located within the project boundaries is an unknown acreage of isolated wetlands and a small undetermined acreage of adjacent fringe wetlands. None of these wetlands extend off of the subject tract. The proposed project is to construct 6,650 linear feet of multi use recreational trial around the lakes. This trail is to consist of approximately four inches of crushed decomposed granite and be six feet wide.
- 2. The wetlands that were determined to be isolated were called so because they are completely outside the 100-year floodplain of a water of the United States, have no known nexus to interstate commerce, and have no apparent direct surface hydrological connection to a water of the United States.
- 3. The northern property boundary is comprised of Sims Bayou and the lakes contain an undetermined amount of adjacent fringe wetland, both of which are waters of the U.S.



Glenn Weitknecht Regulatory Specialist

DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE:	CESWG-	PE-RC							
FILE NUMBER:	D-16287					-			
REGULATORY PROJECT MA	ANAGER:	Hoth				_	Date:		7/1/200
PROJECT REVIEW/DETERM	INATION C	OMPLETED): In the office	Υ	(Y/N)		Date:		7/6/200
				ct Site Y			Date:	-	7/6/200 7/7/200
					_				111/200
PROJECT LOCATION INFOR State:	MATION:						_		
County:							Texas		
Center Coordinates of	Site by Lat	itude & Lon	naitudinal (Coordinates	2.		Galveston		
Approximate Size of Si	ite/Property	(Including	Uplands 8	In Acres):			240 ac.	sting: 299122 No	orthing: 3264519
Name of Waterway or \	Natershed:	· · · · · · · · · · · · · · · · · · ·					Dickinson	havou	
-							Diokinson	Dayou	
SITE CONDITIONS:									
Type of Aquatic Resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	>50 ac	Linear Feet	Unknown
Lake		-			<u> </u>				Olikilowii
River	-			 	<u> </u>		<u> </u>	ļ	
Stream	 	 	 						
Dry Wash				1		 		ļ	
Mud Flat	 	T	<u> </u>	 				ļ	
Sand Flat		1		†			 		
Wetlands								 	x
Slough							 		
Prairie Pothole	1								
Wet Meadow									
Playa Lake		<u> </u>							
Vernal Pool	ļ	<u> </u>							
Natural Pond	<u> </u>	ļ		<u> </u>					
Other Water (Identify Type)									
1 Chack appropriate haves the	1 5004 400	- uile - 4	6:1-4-1		1				
Check appropriate boxes that estimate for size for non-jur	risdictional	anuatic res	ource area	non-naviga	abie, intra-s	state water	present ar	nd best	
Migratory Bird Rule Factors ¹ :		aquatic res	ouice area		nown			f Unknown	
				" " "	iowii			rofessional J	ıdamont
						Predicted		pected to	Not Able to Make
				Yes	No	to Occur		occur	Determination
Is or would be used as habita	t for birds p	protected by	у					<u> </u>	2 o to i i i i i i i i i i i i i i i i i
Migratory Bird Treaties?									X
Is or would be used as habita	t by other n	nigratory bi	irds that						
cross state lines?									X
Is or would be used as habita									Х
Is used to irrigate crops sold				L					X
¹ Check appropriate boxes tha	it best desc	ribe potent	tial for app	licability of	the Migrat	ory Bird R	ule to appl	y to onsite, n	on-jurisdictional,
isolated, non-navigable, intra-	state aquat	ic resource	area.						
TYPE OF DETERMINATION:				Preliminar	у	or	Approved	X	
OPTIONAL ADDITIONAL INFO	PMATION	SHDDADTH	NG N ID /-	a dicerre-	lon m!	alijala !¢.			
OPTIONAL ADDITIONAL INFO navigation or interstate comm	erce conne	ections - 1 t	n 3 narant	g., uistuss anhe):	ion may inc	ciuue intor	mauon rev	iewed to asse	ess potential
			paragi	٠٠١٠٠/٠					

FILE No: D-16287

- 1. A jurisdictional determination was requested on five sections (A, B, C, D, and E) on the Tuscan Lakes property. The Tuscan Lakes property is located at the intersection of Highway 96 and F.M. 270, Galveston County, Texas.
- 2. A site visit was conducted to each section on 7 July 2004. During the site visit, it was apparent that the tributary, identified on Sections A, B, and C during the desk review, was intersected by the construction of Highway 96 and F.M. 270. No culverts were placed under the newly constructed roadways to maintain the hydrologic flow of the tributary. As such, these areas no longer function as a tributary to a water of the United States and are no longer subject to Corps of Engineers jurisdiction under Section 404 of the Clean Water Act or Section 10 of the Rivers and Harbors Act of 1899. No surface hydrologic connections from a wetland area to a water of the United States was observed on all five sections. A desk review indicated that the five sections were not located within the 100-year flood plain of a water of the United States. As such, any wetlands present within the five sections are isolated with no known nexus to interstate commerce.
- 3. Based on our desk review and site visit, no waters of the United States, including adjacent wetlands are present within the five sections. Any wetland areas present within the five sections are not subject to Corps of Engineers jurisdiction because they are not located within the 100-year flood plain of a water of the United States and they do not have a hydrologic surface connection to a water of the United States. As such, any wetland areas within the five sections are isolated with no known nexus to interstate commerce. Therefore, working or discharging dredged or fill material onto the five sections will not require a Department of the Army permit.

DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE:	Galveston	District							
FILE NUMBER:	D-15964					_			
REGULATORY PROJECT MA	NAGER:	Glenn We	itknecht			_	Date:		6-Aug-04
PROJECT REVIEW/DETERMI	NATION CO	MPI FTFD	In the office		Υ		Date:		6 110 0
THOUSE THE VIEW, DETERMINE	IIA IIOII OC	Juli ELIED		t Site	Ϋ́		Date:		6-Aug-04 3-Aug-04
			At the Frojec	it offe	•		Date.		3-Aug-02
PROJECT LOCATION INFOR	MATION:								
State:							Texas		
County:							Fort Bend	· · · · · · · · · · · · · · · · · · ·	
Center Coordinates of S	Site by Latit	ude & Long	itudinal C	oordinates	:		UTM Zone	15 226039E	3283118N
Approximate Size of Sit									34.8
Name of Waterway or W	atershed:		-	•			Jones Cre	ek	
SITE CONDITIONS:									
Type of Aquatic Resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	>50 ac	Linear Feet	Unknown
Lake									
River	1								
Stream	<u>† </u>								
Dry Wash	1	1			<u> </u>	1			
Mud Flat						†			
Sand Flat									
Wetlands				5.16		1			
Slough									
Prairie Pothole									
Wet Meadow					· · · · · · · · · · · · · · · · · · ·				
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (Identify Type)									
1 Check appropriate boxes that	l ot boot door		f :== ====		abla inter				
estimate for size for non-jur	riedictional	aquatic res	ource area	non-navig	abie, intra-	state water	present al	na Dest	
Migratory Bird Rule Factors ¹ :		aquatic res	ouice area		own			f Unknown	
migratory bird hule ractors :				1 1 1	OWII			ofessional Ju	ıdament
						Predicted		ected to	Not Able to Make
				Yes	No	to Occur	,	ccur	Determination
ls or would be used as habita	t for birds p	protected b	v						Botomination
Migratory Bird Treaties?			•	i		x			
ls or would be used as habita	t by other n	nigratory bi	rds that						
cross state lines?	•					x			
ls or would be used as habita	t for endang	gered spec	ies?						X
Is used to irrigate crops sold					X				
1 Check appropriate boxes that isolated, non-navigable, intra-	at best desc	ribe poten	tial for app	licability o	f the Migra	tory Bird R	ule to appl	y to onsite, n	on-jurisdictional,
TYPE OF DETERMINATION:				Preliminar	у	or	Approved	X	

OPTIONAL ADDITIONAL INFORMATION SUPPORTING NJD (e.g., discussion may include information reviewed to assess potential

Subject: D-15964; Jurisdictional Determination, **Entrix Job No. 1102807 & 1102806**, 5.26-Acre Facility Expansion Project and 29.68-Acre Expansion Project, Near Foster, Fort Bend County, Texas

- 1. The total project site is 34.8 acres, including both the northern and southern portions of the project. Located within the project boundaries are 5.16 acres of isolated wetlands. None of these wetlands extend off of the subject tract. No project specifics were given with the jurisdictional determination request to ascertain which, if any, of these wetlands are to be filled.
- 2. The wetlands that were determined to be isolated were called so because they are completely outside the 100-year floodplain of a water of the United States, have no known nexus to interstate commerce, and have no apparent direct surface hydrological connection to a water of the United States.
- 3. No waters of the U.S. are present on the subject tract.

Glenn Weitknecht Regulatory Specialist

DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE:	Galveston	District				_			
FILE NUMBER:	D-15494					-			
REGULATORY PROJECT MA	ANAGER:	Glenn Wa	eitknecht			_	Date:		13-Aug-0
PROJECT REVIEW/DETERM	INATION CO	MPI ETED	le In the office		Υ		Date:		01 0
THOUSE THE VIEW DETERMINE)	At the Project		Ý		Date:		21-Jun-0- 28-Jan-0-
			7 K W.O 7 Pojoo	. 0,10	•		Date.	21-Jun-04	
PROJECT LOCATION INFOR	RMATION:							21-3411-04	•
State:							Texas		
County:							Fort Bend		
Center Coordinates of					:		zone 15 2	41422E 32798	808N
Approximate Size of Si		(Including	Uplands & l	In Acres):					188
Name of Waterway or V	Vatershed:						Brazos Riv	ver	
SITE CONDITIONS:									
Type of Aquatic Resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	>50 ac	Linear Feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mud Flat									
Sand Flat						ļ			
Wetlands		ļ	4.44						
Slough Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool	1	-							
Natural Pond									
Other Water (Identify Type)	1								
1 Check appropriate boxes th	at best desc	cribe type o	of isolated,	non-navig	able, intra-	state water	present a	nd best	
estimate for size for non-ju		aquatic res	source area			· · · · · · · · · · · · · · · · · · ·			
Migratory Bird Rule Factors ¹	:			lf Kr	iown			f Unknown	
						Predicted		rofessional Ju	
				Yes	No	to Occur		ected to occur	Not Able to Make Determination
Is or would be used as habita	at for birds r	protected b	v	·		to occur		Cour	Determination
Migratory Bird Treaties?	•		·			x			
Is or would be used as habita	at by other n	nigratory b	irds that						
cross state lines?						Х			
Is or would be used as habita									X
Is used to irrigate crops sold	in interstate	e commerc	e?						X
¹ Check appropriate boxes th isolated, non-navigable, intra				licability of	the Migra	tory Bird R	ule to appl	y to onsite, n	on-jurisdictional,
TYPE OF DETERMINATION:				Preliminar	у	or	Approved	x	
OPTIONAL ADDITIONAL INFO	ORMATION	SUPPORTI	NG NJD (e.	g., discuss	ion may in	clude infor	mation rev	riewed to ass	ess potential

Subject: D-15494; Jurisdictional Delineation Verification, Texas Department of Transportation, FM 1464 From FM 1093 to State Highway 99, Fort Bend County, Texas

- 1. The total project right-of-way is approximately 7.75 miles and 200 feet wide. Located within the project boundaries are approximately 4.5 acres of isolated wetlands. Most of these wetlands extend off of the subject tract. The proposed project is to widen the existing 2 lane road to a four lane road.
- 2. The wetlands that were determined to be isolated were called so because they are completely outside the 100-year floodplain of a water of the United States, have no known nexus to interstate commerce, and have no apparent direct surface hydrological connection to a water of the United States.
- 3. The project contains 0.44 acre of adjacent wetlands and 0.56 acre of open water, specifically Oyster Creek and Bullhead Bayou

Glenn Weitknecht Regulatory Specialist

DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: FILE NUMBER:			-	SWG D-16236					
REGULATORY PROJECT	MANAGE	ER:	4	Andrew Wi	lliams		Date: 29 September 2004		
PROJECT REVIEW/DETER			IPLETE!		the office _ the project	<u>Y</u> (Y/N) site <u>N</u> (Y/N)	Date: <u>29</u> Date:	September	2004
PROJECT LOCATION INFO	DRMATI	ON:							
State:						Texas			
County:						Fort Bei	nd		_
Center coordinates of	f site by I	atitude &	longitud	dinal coordi	nates:	29 37 2	0 N. 95 31	08 W (NAD	27)
Approximate size of	site/prop	erty (inch	uding up	lands & in a	icres):	73 acr		4 11 12 12	<u>=:</u> 7
Name of waterway o	r watersh	ed:			•	Sims Ba			
SITE CONDITIONS: Type of aquatic resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25.50	. 50		
	U-1 ac	1-5 ac	3-3 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
Lake									
River									
Stream								 	
Dry Wash									
Mudflat									
Sandflat							4		
Wetlands					X				
Slough									
Prairie pothole Wet meadow				1					
		<u></u>							
Playa lake									
Vernal pool Natural pond									
Other water (identify type)									
Other water (identity type)									
Check appropriate boxes that bes jurisdictional aquatic resource are	t describe a.	type of iso	lated, non	 -navigable, i	l ntra-state wat	er present and	d best estim	ate for size of	non-

Migratory Bird Rule Factors ¹ :	If K	nown	If Unknown Use Best Professional Judgment					
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able To Make Determination			
Is or would be used as habitat for birds protected by Migratory Bird Treaties?					X			
Is or would be used as habitat by other migratory birds that cross state lines?					X			
Is or would be used as habitat for endangered species?			 					
Is used to irrigate crops sold in interstate commerce? Check appropriate boxes that best describe potential for applie					<u>A</u>			

TYPE OF DETERMINATION:

Preliminary	<u>X</u>	Or	Approved
-------------	----------	----	----------

ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 – site conditions; paragraphs 2-3 – rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 – site information on waters of the U.S. occurring onsite):

D-16236 Determination of No Jurisdiction Additional Information Supporting NJD

- 1. There appear to be 2 isolated wetlands located within the project boundary (based on the 1999 National Wetland Inventory Map). The total isolated wetland acreage is approximately 15 acres and is located completely within project area.
- 2. These 2 wetlands are located completely outside of the 100-year floodzone. Based on the desk review, the only possible surface hydrological connection from them to Sims Bayou, the closest water of the United States, is through an apparent upland drainage ditch. The distance from the wetlands to Sims Bayou through the ditch is approximately 4000 feet. Additionally, based on a review of aerial photographs, there appears to be uplands between the potential wetlands and the ditches.
- 3. No adjacent wetlands are located on the site. This is a preliminary jurisdictional determination.

DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: FILE NUMBER:	SWG D-16249			
REGULATORY PROJECT MANAGER:	Andrew V	Villiams		Date: 26 August 2004
PROJECT REVIEW/DETERMINATION COMPLE		n the office		Date:
PROJECT LOCATION INFORMATION:	_		(
State:			Texas	
County:			Galvesto	n
Center coordinates of site by latitude & long	itudinal coor	dinates:	29 25 08	N, 94 58 49 W (NAD27)
Approximate size of site/property (including	uplands & in	ı acres):	52 acres	
Name of waterway or watershed:			Moses Ba	iyou

SITE CONDITIONS:

Type of aquatic resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
Lake									<u> </u>
River									
Stream					-				
Dry Wash									<u> </u>
Mudflat							<u> </u>		
Sandflat			<u> </u>						
Wetlands				X					
Slough		T							
Prairie pothole			İ				 		
Wet meadow									
Playa lake							<u> </u>	<u> </u>	
Vernal pool		1							
Natural pond		· · · · · · · · · · · · · · · · · · ·							
Other water (identify type)	_								

Theck appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ¹ :		If Kı	own		If Unknow Use Best Professional	
(1) (1) 12 (1) 12 (1) (1) (1) (1) (1) (1) (1) (1) (1) (1)		Yes	No	Predicted to Occur	Not Expected to Occur	Not Able To Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?						X
Is or would be used as habitat by other migratory birds the cross state lines?	at					X
Is or would be used as habitat for endangered species?						X
Is used to irrigate crops sold in interstate commerce?						X

TYPE OF DETERMINATION:

non-navigable, intra-state aquatic resource area.

Preliminary	Or	Approved	Χ.

ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 – site conditions; paragraphs 2-3 – rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 – site information on waters of the U.S. occurring onsite):

D-16249 Determination of No Jurisdiction Additional Information Supporting NJD

- 1. There are 13 isolated wetlands located within the project boundary. The total isolated wetland acreage is approximately 9 acres and is located completely within project area.
- 2. These 13 wetlands are located completely outside of the 100 year floodzone. Based on the desk review and site visit, there were no obvious surface hydrological connections from them to any water of the United States.
- 3. 0.27 acre of wetlands adjacent to Moses Bayou are located on the site. This is an approved jurisdictional determination.

DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE:	Galvestor	District				_				
FILE NUMBER:	D-16319					- -				
REGULATORY PROJECT MA	NAGER:	Glenn We	itknecht			_	Date:		23-Aug-0	
PROJECT REVIEW/DETERMI	NATION C	OMPLETED	: In the office		_ Y		Date:	Date: 23-Au		
			At the Project	t Site	ΥΥ		Date:	18-Aug-0		
PROJECT LOCATION INFORI State: County: Center Coordinates of S Approximate Size of Site Name of Waterway or W	ite by Latite/Property	_			::			3297500N zon	38.	
SITE CONDITIONS:										
Type of Aquatic Resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	>50 ac	Linear Feet	Unknown	
Lake										
River										
Stream										
Dry Wash					1					
Mud Flat										
Sand Flat										
Wetlands					10.88					
Slough		ļ								
Prairie Pothole					<u> </u>					
Wet Meadow	1	ļ				<u> </u>				
Playa Lake										
Vernal Pool		ļ			ļ					
Natural Pond	1	ļ			ļ					
Other Water (Identify Type)										
Check appropriate boxes that estimate for size for non-jur	at best des	cribe type o	of isolated,	non-navig	able, intra-	state water	present a	nd best		
Migratory Bird Rule Factors ¹ :					nown	ı		f Unknown rofessional Ju	ıdament	
		Yes	No	Predicted to Occur	Not Exp	pected to Occur	Not Able to Make Determination			
ls or would be used as habita	t for birds	protected b	у							
Migratory Bird Treaties?						Χ				
ls or would be used as habita	t by other r	nigratory bi	irds that						-	
cross state lines?						Х	-			
ls or would be used as habita							X			
Is used to irrigate crops sold	in interstat	e commerc	e?		Х			1		
¹ Check appropriate boxes tha isolated, non-navigable, intra-				licability o	f the Migra	tory Bird R	ule to appl	ly to onsite, n	on-jurisdictional,	
TYPE OF DETERMINATION:				Prelimina	ry	or	Approved	х		

Subject: D-16319; Jurisdictional Determination, River Pointe Church, 92 Acre Tract, Ransom Road, Southeast of City of Richmond, Fort Bend County, Texas

- 1. The total project site is 38.9 acres. Located within the project boundaries are 10.88 acres of isolated wetlands. This wetland extends off of the subject tract to the southeast. No project specifics were given with the jurisdictional determination request to ascertain which, if any, of these wetlands are to be filled.
- 2. The wetlands that were determined to be isolated were called so because they are completely outside the 100-year floodplain of a water of the United States, have no known nexus to interstate commerce, and have no apparent direct surface hydrological connection to a water of the United States.
- 3. No waters of the U.S. are present on the subject tract.

Glenn Weitknecht Regulatory Specialist

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INFORMATION SHEET

DETERM ATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS
LTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK

COUNTY V. U.S. ARMY CORPS OF ENGINEERS

	<i></i>		Y V. U.S. A	ARMY COR	PS OF ENG	SINEERS			
DETRICT CE:	<u> </u>	061			-	_			
FILE NUMBER:		-158	らち						
REGULATORY PROJECT MA		_	Rea			_	Date:	145	chisoo
PROJECT REVIEW/DETERMII	NATION CO	MPLETED			(Y/N) (Y/N)		Date: Date:	293	Sone 2006
			At the Projec	t Site	(1/14)		Date:		500 - 200G
PROJECT LOCATION INFORM State: County: Center Coordinates of S Approximate Size of Sit Name of Waterway or W	Site by Latit te/Property						7 H 2740 2740	CKAS ARRIS 333 32 Bacres Browns Bo	ZE80 ₩00
SITE CONDITIONS:								,	,
Type of Aquatic Resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	>50 ac	Linear Feet	Unknown
Lake									
River									
Stream									
Dry Wash	<u> </u>								
Mud Flat									
Sand Flat Wetlands									
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
/ernal Pool									
Natural Pond									
Other Water (Identify Type)									
Check appropriate boxes tha					ble, intra-s	state water	present ar	nd best	
estimate for size for non-juri	sdictional a	quatic res	ource area						
Migratory Bird Rule Factors ¹ :				If Kn	own		ŀ	f Unknown	
								ofessional Ju	
				Yes	No	Predicted			Not Able to Make
s or would be used as habitat	for hirds n	rotacted by	,			to Occur		ccur	Determination
Ingratory Bird Treaties?	ioi birus pi	otected by							
s or would be used as habitat	by other m	igratory bi	rds that						
ross state lines?	<i></i> ,	.9.4.0.7	, ao anat						
s or would be used as habitat	for endang	ered speci	es?						
s used to irrigate crops sold in									
Check appropriate boxes that				licability of	the Mianet	on, Bird D	ilo to anni	u to engite :::	m lumin died:
solated, non-navigable, intra-s				abinity Of	uie migrat	ory biru Ki	ne to appr	y to onsite, no	ni-jurisaictional,
YPE OF DETERMINATION:				Preliminar	y <u>Lar</u>	or	Approved		
OPTIONAL ADDITIONAL INFO	RMATION S	UPPORTIN	iG NJD (e i	a discuss	ion may in	clude infor	mation rev	iewed to asso	see notantial
· · · · · · · · · · · · · · · · · · ·				₂ .,				10 0336	JJ DUICHLIAI



CESV/G-PE-RC (1145)

14 July 2004

MEMORANDUM FOR THE FILE

Subject: D-15855; Jurisdictional Determination, Intersection of Old Spanish Trail and Martin Luther King Boulevard, Houston, Harris County, Texas

- 1. Berg Oliver requested by letter dated 12 March 2004, a jurisdictional determination on a 25 acre tract of land. The project site is located northeast of the intersection of Old Spanish Trail and Martin Luther King Boulevard in Harris County, Texas.
- 2. A desk review was conducted on 29 June 2004, examined in this review were USGS topographical maps, 1995 CIR aerial photography, National Wetland Inventory map, FEMA Flood Plain map and the information provided with the request. The project site is located on a tract of land adjacent to a channelized portion of Brays Bayou. The site does not contain any waters of the United Stated, including wetlands subject to the Corps jurisdiction. Therefore, a Department of the Army permit will not be required prior to the deposition of any dredged or fill material into waters of the United States, including wetlands.
- 3. Based on the findings from the desk review, the proposed site is non-jurisdictional under Section 404 of the Clean Water Act. This preliminary determination remains valid for 5 years, unless new information warrants revision prior to that date.

Alicia Rea

Regulatory Specialist

DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE:	CESWG-	PE-RC								
FILE NUMBER:	D-15873									
REGULATORY PROJECT MA	Date:			23-Sep-04						
PROJECT REVIEW/DETERMI	Y (Y/N) tt Site Y (Y/N)			Date: 23-Sep-04 Date: 6-Jul-04						
PROJECT LOCATION INFORM State: County: Center Coordinates of Approximate Size of Si	Site by Lat	y (Including			:		Texas Harris UTM 15 268658E 3280207 21			
Name of Waterway or V	watersned:	·					Sims Bayo	ou		
Type of Aquatic Resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	>50 ac	Linear Feet	Unknown	
Lake									x	
River									x	
Stream									x	
Dry Wash Mud Flat									x	
Mud Flat									x	
Sand Flat									x	
Wetlands		x						<u> </u>		
Slough Prairie Pothole									x	
									х	
Wet Meadow	_				ļ			ļ	x	
Playa Lake									x	
Vernal Pool	-			<u> </u>	ļ				X	
Natural Pond Other Water (Identify Type)									x	
¹ Check appropriate boxes th	at best des	scribe type o	of isolated,	non-navig	able, intra-	state water	present a	nd best	<u>.</u>	
estimate for size for non-ju	risdictiona	l aquatic res	source area	a.						
Migratory Bird Rule Factors ¹ :				If Known			If Unknown Use Best Professional Judgment			
						Predicted		pected to	Not Able to Make	
				Yes	No	to Occur	1	Occur	Determination	
Is or would be used as habita	at for birds	protected h)V		1	1.0 00001		I	20.0	
Migratory Bird Treaties?			•						x	
Is or would be used as habita	at by other	migratory b	irds that		†					
cross state lines?	•								x	
Is or would be used as habitat for endangered species?									x	
Is used to irrigate crops sold in interstate commerce?									x	
¹ Check appropriate boxes th isolated, non-navigable, intra	at best de	scribe poten	itial for app	olicability o	of the Migra	tory Bird R	lule to app	ly to onsite, r	non-jurisdictional,	
TYPE OF DETERMINATION:				Preliminary or			Approved	<u> Ү</u>		
OPTIONAL ADDITIONAL INFO	ORMATION	N SUPPORTI	ING NJD (e	.g., discus	sion may ir	nclude info	rmation re	viewed to ass	sess potential	

navigation or interstate commerce connections - 1 to 3 paragraphs): No known nexus to interstate commerce

DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE:	Galveston				16.181	_				
FILE NUMBER:	D-16351					_				
REGULATORY PROJECT MA	NAGER:	Dwayne J	ohnson			_	Date:	9/30/200		
PROJECT REVIEW/DETERMI	NATION CO	MPLETED	: In the office		(Y/N)		Date:			
			At the Projec		(Y/N)		Date: 9/17/04			
PROJECT LOCATION INFORM State: County: Center Coordinates of S Approximate Size of Site Name of Waterway or W		::		Texas Harris 29° 34' 27 Pine Gully	/"N, 95° 00' 59	"W 14				
f .	0.1	1200	25.00	F 10	10.05.00	05 50	F0		1	
Type of Aquatic Resource	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	>50 ac	Linear Feet	Unknown	
Lake										
River	<u> </u>									
Stream		ļ								
Dry Wash	-			1				 		
Mud Flat Sand Flat									ļ	
Wetlands					<u> </u>			 		
Slough	<u> </u>						 	 	<u> </u>	
Prairie Pothole	 									
Wet Meadow								 		
Playa Lake								 		
Vernal Pool										
Natural Pond								†		
Other Water (Identify Type)										
Drainage Ditch/Fish ponds	1				Borrow pit					
1 Check appropriate boxes the	at best des	cribe type o	of isolated.	non-navio			r present a	nd best		
estimate for size for non-jur	isdictional	aquatic res	source area	a.	,,		. p			
Migratory Bird Rule Factors1:				lf Kı	nown	If Unknown				
3 · · , - · · - · · · · · · · · · · · · · · ·						Use Best Professional Judgment				
				Yes	No	Predicted	Not Expected to		Not Able to Make	
						to Occur	<u> </u>	Occur	Determination	
Is or would be used as habitat for birds protected by Migratory Bird Treaties?									xxxxx	
Is or would be used as habita	t by other n	nigratory b	irds that							
cross state lines?									XXXXX	
Is or would be used as habitat for endangered species? Is used to irrigate crops sold in interstate commerce?								ļ	XXXXX	
¹ Check appropriate boxes that	at best des	cribe poten	tial for app	l olicability o	of the Migra	tory Bird F	l Rule to app	ly to onsite, r	XXXXX non-jurisdictional	
isolated, non-navigable, intra-	siale ayua	iio resourc	c aica.		·					
TYPE OF DETERMINATION:				Prelimina	ry	or	Approved	Xxxxxx		
OPTIONAL ADDITIONAL INFO					sion may ir	nclude info	rmation re	viewed to ass	sess potential	